

REMARKS

By this amendment, Applicant has added the legend "PRIOR ART" to Figure 1, and has corrected the specification so that there is a one-to-one correspondence between the numerical references and the items depicted in the drawing. Reference to "301" on page 6 has also been changed to "302."

With regard to the rejection under 35 U.S.C. §112, first paragraph, a waveform has been added to 306 of Figure 3, thereby depicting the features set forth in claims 2 and 6. It is also noted that by "modulation" it is simply meant the rate at which the laser is turned on and off, such that at higher frequencies, more accurate control over the output power may be achieved. Applicant contends that terms such as "modulated" are well known to those of skill, such that this feature of the invention is fully supported.

Claims 1-8 stand rejected under 35 U.S.C. §103(a) over Jeantette et al. ('426) in view of Kar et al. ('327). While the Examiner concedes that Jeantette et al. includes numerous deficiencies in meeting the limitations of the instant claims, Kar is added on the grounds that it uses a diode laser in "an analogous system." Applicant respectfully disagrees with this determination. First, there is no teaching or suggestion from the prior art to combine these references, such that *prima facie* obviousness has not been established. But in addition, it is interesting to note that while the Examiner feels more explanation is due on the part of Applicant in explaining "modulation," "the use of a continuously variable beam attenuator" as cited in Jeantette et al. is, in the Examiner's opinion, "equivalent to modulating the laser." Applicant respectfully disagrees, since a variable beam attenuator would, to one of skill, simply denote some form of intensity control having nothing to do with frequency, modulation, duty cycle, or the like. In addition, given that Jeantette et al. does not disclose any form of optical source that could be modulated in the kilohertz range, i.e., up to 20 KHz, this reference falls short for that reason as well. Given that even if these two references were combined, which Applicant contends they should not be, the instant claims would not result. Accordingly, allowance is respectfully requested.

Questions regarding this application may be directed to the undersigned at the telephone/facsimile numbers provided.

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Respectfully submitted,

By:

John G. Posa

Reg. No. 37,424

Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, PC
280 N. Old Woodward Ave., Ste 400
Birmingham, MI 48009
(734) 913-9300 FAX (734) 913-6007

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